

Air Products and Chemicals, Inc.
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AIR
PRODUCTS 

13 July 1990

M. A. Hanna Company
1301 East Ninth Street
Suite 3600
Cleveland, OH 44114-1824

BUREAU OF
FEDERAL CASE MANAGEMENT

JUL 17 1990

Attention: Cristopher R. Anderson,
Manager of Environmental Activities

Re: L. E. Carpenter & Co. Superfund Site,
Wharton, New Jersey

Dear Mr. Anderson:

Air Products and Chemicals, Inc. ("Air Products") believes that the complete remediation of the L. E. Carpenter & Co.'s ("Carpenter") Wharton, New Jersey Superfund site must include the cleanup of the drainage ditch shared by the Carpenter and Air Products properties. As Carpenter is aware, contaminant sheens have entered our property via this drainage ditch and have been witnessed by Air Products' personnel as far back as the 1970's. Air Products has notified the NJDEP of these contaminant discharges into this drainage way on two separate occasions during the 1980s. We believe that over the years the sheen has emanated from Carpenter's permitted wastewater discharge points 001 and 002, as well as from the soil and ground water underlying the Carpenter facility.

Most recently, the installation by Carpenter of two groundwater monitoring wells on Air Products' property in July-August 1989 caused several groundwater seeps to form a discharge to the drainage ditch. After the well installation was completed, Air Products plant personnel noticed that a petroleum type sheen was accumulating in the drainage way due to these new groundwater seeps. They immediately placed an oil boom across the ditch to prevent further movement of the release to the Rockaway River. We notified M. A. Hanna Company ("Hanna") of this situation by letter dated 15 August 1989, and we confirmed this discharge to the NJDEP by letter dated 24 August 1989. We further communicated with Hanna on 25 September 1989, expressing our dissatisfaction with Hanna's efforts to remove the sheen and failure to address the by-passes caused by stormwater events. Both our 16 August and 25 September letters noted Hanna's responsibility to remedy the problem pursuant to the 8 June 1989 agreement between Hanna and Air Products.

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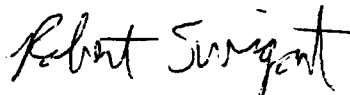


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It is Air Products' position that Carpenter and Hanna are obligated under the 8 June 1989 Agreement and applicable federal and New Jersey statutory and common law to completely remediate the drainage ditch shared by our companies. In order to protect our rights, we will shortly be filing a damage claim under the New Jersey Compensation Control Act, and we would like to know whether Carpenter/Hanna intends to address the drainage ditch as part of the cleanup of its site. We would appreciate a response before 1 August 1990.

Sincerely,

AIR PRODUCTS AND CHEMICALS, INC.



Robert J. Swigart
Environmental Coordinator

RJS:ljr
2503F

cc: Mr. Edward Kaup